

EXHIBIT A

Archived: Thursday, December 12, 2024 9:55:30 AM

From: [Tomas Porras-Acosta](#)

Sent: Thursday, August 1, 2024 10:01:26 AM

To: raymond@martinezlawyers.com

Cc: [Rosemary Morales Marin](#) [Guy McGunegle](#) [Georgina Gallegos](#) [Danielle Stanfield](#)

Subject: Ortiz v. EPCC (324-cv-00184) - Request to Confer re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Importance: Normal

Sensitivity: None

Attachments:

[Ortiz v. EPCC \(324-cv-00184\) - EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims.pdf](#);

Raymond,

Hope all is well.

Attached, please find the proposed Motion to Dismiss we intend to file arguing that this lawsuit should be dismissed based on governmental immunity. However, pursuant to local rules, we must confer with you first.

Can you please let me know when you are available to discuss this motion once you have reviewed?

I am available tomorrow.

Thank you.

Best,

Tomas Porras-Acosta

Attorney

Direct: 915.546.8229 **Main:** 915.533.2493 **Fax:** 915.546.8333

tpor@ScottHulse.com | ScottHulse.com

ScottHulse PC | The Value of Commitment®

One San Jacinto Plaza

201 E. Main Dr., Ste. 1100, El Paso, TX 79901

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EXHIBIT B

Archived: Thursday, December 12, 2024 9:55:28 AM

From: [Raymond Martinez](#)

Sent: Tue, 3 Sep 2024 17:18:43

To: [Tomas Porras-Acosta](#)

Cc: [Rosemary Morales Marin](#) [Guy McGunegle](#) [Georgina Gallegos](#) [Sarai Ferman](#)

Subject: RE: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Importance: Normal

Sensitivity: None

**** EXTERNAL EMAIL ****

Tomas,

Thank you for getting back to me so quickly. I mentioned I was prepping for an arbitration this week but should have it done by the end of the week.

What I was asking if we dismiss then if no fees. i'm talking about a dismissal with prejudice. Let me know. Ray

From: Tomas Porras-Acosta <tpor@scotthulse.com>

Sent: Tuesday, September 3, 2024 10:58 AM

To: Raymond Martinez <Raymond@martinezlawyers.com>

Cc: Rosemary Morales Marin <rmar@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>; Sarai Ferman <sfer@scotthulse.com>

Subject: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Importance: High

Raymond,

Thank you for speaking with me. I understand that you are still doing research about the applicability of governmental immunity as it relates to EPCC.

However, Rosemary will ask whether EPCC agrees to waive the costs against your client. Can you please let us know whether the dismissal will be with prejudice to inform EPCC?

Additionally, do you happen to know when you can have an answer regarding the dismissal? We would like to avoid the filing of EPCC's Motion to Dismiss, which we will revise to request EPCC's attorney's fees under Rule 11(b) of the Federal Rules of Civil Procedure and Section 10.004 of the Texas Civil Practice & Remedies Code.

We will keep you updated.

Thank you.

Best,

Tomas Porras-Acosta

Attorney

Direct: 915.546.8229 **Main:** 915.533.2493 **Fax:** 915.546.8333

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EXHIBIT C

Archived: Thursday, December 12, 2024 9:55:18 AM

From: [Rosemary Morales Marin](#)

Sent: Sun, 8 Sep 2024 21:00:31

To: [Raymond Martinez](#)

Cc: [Guy McGunegle](#) [Georgina Gallegos](#) [Sarai Ferman](#) [Tomas Porras-Acosta](#)

Subject: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Importance: Normal

Sensitivity: None

Raymond—

My client has agreed to waive its court costs, including fees, in exchange for Plaintiff's dismissal of this lawsuit with prejudice (and possible state court wage and hour claims based on the same operative facts). Tomas will send you the proposed stipulation.

Thank you.

Rosemary M. Marin

Board Certified, Labor and Employment Law

Texas Board of Legal Specialization

Licensed in Texas and New Mexico

Direct: 915.546.8297 **Main:** 915.533.2493 **Fax:** 915.546.8333

rmar@scotthulse.com | [vCard](#) | [in](#) | scotthulse.com

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From: Raymond Martinez <Raymond@martinezlawyers.com>

Sent: Tuesday, September 3, 2024 11:35 AM

To: Tomas Porras-Acosta <tpor@scotthulse.com>

Cc: Rosemary Morales Marin <rmar@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>; Sarai Ferman <sfer@scotthulse.com>

Subject: Re: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

**** EXTERNAL EMAIL ****

Yes to date certain. 30-60?

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From: Tomas Porras-Acosta <tpor@scotthulse.com>

Sent: Tuesday, September 3, 2024 11:29:20 AM

To: Raymond Martinez <Raymond@martinezlawyers.com>

Cc: Rosemary Morales Marin <rmar@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>; Sarai Ferman <sfer@scotthulse.com>

Subject: RE: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Ray,

Thank you for this information. Are you in agreement to stay the deadline to respond to Plaintiff's discovery requests due September 9, 2024, as these would also accrue attorney's fees?

Thank you.

Best,

Tomas Porras-Acosta

Attorney

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From: Raymond Martinez <Raymond@martinezlawyers.com>

Sent: Tuesday, September 3, 2024 11:19 AM

To: Tomas Porras-Acosta <tpor@scotthulse.com>

Cc: Rosemary Morales Marin <rmar@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>; Sarai Ferman <sfer@scotthulse.com>

Subject: RE: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

**** EXTERNAL EMAIL ****

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What I was asking if we dismiss then if no fees. i'm talking about a dismissal with prejudice. Let me know. Ray

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Sent: Tuesday, September 3, 2024 10:58 AM

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Cc: Rosemary Morales Marin <rmar@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>; Sarai Ferman <sfer@scotthulse.com>

Subject: Ortiz v. EPCC (324-cv-00184) - Costs Follow Up re EPCC's Motion to Dismiss Against Plaintiff Ortiz' FLSA Claims

Importance: High

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We will keep you updated.

Thank you.

Best,

Tomas Porras-Acosta

Attorney

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EXHIBIT D

Archived: Thursday, December 12, 2024 9:55:21 AM

From: [Rosemary Morales Marin](#)

Sent: Wed, 2 Oct 2024 00:21:22

To: raymond@martinezlawyers.com

Cc: [Tomas Porras-Acosta](#) [Guy McGunegle](#) [Georgina Gallegos](#)

Subject: Ortiz/EPCC: Federal Lawsuit

Importance: High

Sensitivity: None

Attachments:

[Ortiz v. EPCC- Release of All Claims with Prejudice - #4863-5986-6089 v2.docx](#); [Ortiz v. EPCC \(324-cv-00184\) - Stipulation of Dismissal with Prejudice - #4895-2223-7931 v2.docx](#);

Raymond—

Good afternoon. I am attaching the proposed settlement documents for the FEDERAL case, as follows:

1. Release of All Claims;
2. Stipulation for Dismissal with Prejudice.

Please let me know if you have any questions or concerns. Otherwise, please return the executed documents at your earliest convenience.

Thank you.

Rosemary M. Marin

Board Certified, Labor and Employment Law

Texas Board of Legal Specialization

Licensed in Texas and New Mexico

Direct: 915.546.8297 **Main:** 915.533.2493 **Fax:** 915.546.8333

rmar@ScottHulse.com | [vCard](#) | [in](#) | ScottHulse.com

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EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

JESUS A. ORTIZ,

Plaintiff,

v.

EL PASO COMMUNITY
COLLEGE DISTRICT,

Defendants.

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CIVIL ACTION NO. 3:24-cv-00184

STIPULATION FOR DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff JESUS A. ORTIZ and Defendant, EL PASO COUNTY COMMUNITY COLLEGE DISTRICT incorrectly named EL PASO COMMUNITY COLLEGE DISTRICT, by and through the undersigned counsel, hereby stipulate to the dismissal with prejudice of all claims in this action, with each party to bear their own costs and fees, on the grounds that all matters in dispute between the parties in this cause have been fully and finally resolved.

WHEREFORE, Plaintiff and Defendant respectfully ask the Court to dismiss all claims asserted in this action with prejudice, with each party to bear their own costs.

Respectfully submitted,

SCOTTHULSE, PC
One San Jacinto Plaza
201 E. Main St., Suite 1100
El Paso, Texas 79901
(915) 533-2493
(915) 546-8333 Telecopier

By: /s/ Rosemary M. Marin

ROSEMARY M. MARIN

State Bar No. 148307

rmar@scotthulse.com

TOMAS PORRAS-ACOSTA

State Bar No. 24115138

tpor@scotthulse.com

*Attorneys for Defendant, El Paso County
Community College District*

and

**MARTINEZ & MARTINEZ LAW FIRM,
PLLC**

2100 E. Yandell Dr.

El Paso, Texas 79903

Phone: (915) 541-1000

Fax: (915) 541-1002

By: /s/

RAYMOND D. MARTINEZ

State Bar No. 24002537

raymond@martinezlawyers.com

Attorney for Plaintiff,

Jesus A. Ortiz

CERTIFICATE OF SERVICE

I hereby certify that I filed this document electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing on this 1st day of October 2024:

Raymond D. Martinez
Martinez & Martinez Law Firm, PLLC
2100 E. Yandell Dr.
El Paso, Texas 79903
Phone: (915) 541-1000
Fax: (915) 541-1002
raymond@martinezlawyers.com
Attorneys for Plaintiff

/s/ Rosemary M. Marin

Rosemary M. Marin

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

JESUS A. ORTIZ,

Plaintiff,

v.

EL PASO COMMUNITY
COLLEGE DISTRICT,

Defendants.

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CIVIL ACTION NO. 3:24-cv-00184

ORDER OF DISMISSAL WITH PREJUDICE

On this day, the Court considered the Parties' Stipulation For Dismissal With Prejudice of Plaintiff JESUS A. ORTIZ's claims in the above-captioned cause against Defendant, EL PASO COUNTY COMMUNITY COLLEGE DISTRICT incorrectly named EL PASO COMMUNITY COLLEGE DISTRICT. After due consideration, the Court is of the opinion that the Stipulation should be granted.

Accordingly, **IT IS ORDERED** that the above-captioned cause is **DISMISSED WITH PREJUDICE**, with each party to bear its own costs.

IT IS FURTHER ORDERED that the Clerk of the Court shall **CLOSE** the above-captioned case.

SIGNED this ____ day of _____ 2024.

KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE

EXHIBIT F

Archived: Thursday, December 12, 2024 9:55:36 AM
From: [Raymond Martinez](#)
Sent: Fri, 25 Oct 2024 15:31:59
To: [Rosemary Morales Marin](#)
Cc: [Tomas Porras-Acosta](#) [Guy McGunegle](#) [Georgina Gallegos](#)
Subject: Re: Ortiz/EPCC: Federal Lawsuit
Importance: Normal
Sensitivity: None

**** EXTERNAL EMAIL ****

We didn't talk about a settlement agreement but I started researching your issue as it's relates to EPCC and I cannot find where a community college immune from flsa. Do you have any authority for that specific proposition?

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From: Rosemary Morales Marin <rmar@scotthulse.com>
Sent: Tuesday, October 1, 2024 6:21:22 PM
To: Raymond Martinez <Raymond@martinezlawyers.com>
Cc: Tomas Porras-Acosta <tpor@scotthulse.com>; Guy McGunegle <gmcg@scotthulse.com>; Georgina Gallegos <ggal@scotthulse.com>
Subject: Ortiz/EPCC: Federal Lawsuit

Raymond—

Good afternoon. I am attaching the proposed settlement documents for the FEDERAL case, as follows:

1. Release of All Claims;
2. Stipulation for Dismissal with Prejudice.

Please let me know if you have any questions or concerns. Otherwise, please return the executed documents at your earliest convenience.

Thank you.

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